IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.Rev.Pet.No. 1308 of 2001(B)

CRA.218/1999 of I ADDL.SESSIONS COURT, ERNAKULAM
CC.559/1995 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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REVN. PETITIONER:

REGIKUMAR, S/O.APPUKUTTAN,
ARAKKAL VEEDU,
AROOR KARA,
AROOR VILLAGE, ALAPPUZHA DISTRICT

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS:

STATE REPRESENTED BY THE C.I. OF
POLICE, CITY TRAFFIC POLICE STATION,
KOCHI CITY (CRIME 1196/94) THROUGH,
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.6214/2001 IN CRL.R.P.NO.1308/2001

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

23/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.1308 of 2001-B

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Dated this the 23rd day of November, 2007

O R D E R

The revision petitioner who is the accused in C.C.No.559/1995 in the file of the Judicial Magistrate of the First Class-I, Ernakulam, stands convicted for the offences under Sections 279, 337, 338 and 304A I.P.C and sentenced to undergo simple imprisonment for one year for the offence under Section 304A I.P.C and, to pay a fine of Rs.1000/- each and in default to undergo simple imprisonment for one month each for the offences under Sections 279 and 338 I.P.C. and to pay a fine of Rs.500/- for the offence under Section 337 I.P.C and in default to undergo simple imprisonment for 15 days.

2. The prosecution case is that on 04/07/1994 at 8 a.m., the accused being the driver of tractor, bearing Reg.No.KL.7/D 9871, drove the same in a rash and negligent manner so as to endanger human life and hit on the left back side of a car and lost control and ran into a tea shop and hit two bye-standers who succumbed to the injuries sustained.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that more than 13 years

have elapsed since the date of the incident and so far the accused was facing the criminal proceedings. It is also submitted that the earnings of the revision petitioner is the sole means of livelihood of his family consisting of wife, children etc..

4. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 304A I.P.C is modified to imprisonment till the rising of the court and to pay a compensation of rupees twenty-five thousand each to the legal representatives of the deceased and in default to undergo simple imprisonment for six months each. The sentence imposed for the rest of the offences are sustained. The revision petitioner is granted four months time to remit the fine and compensation amounts. He shall appear before the Judicial Magistrate of the First Class-I, Ernakulam, on 22/03/2008 to receive the sentence. The criminal revision petition is disposed of as above.

Sd/-

K.R.UDAYABHANU,
Judge

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